

AMENDED IN ASSEMBLY APRIL 10, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1322

Introduced by Assembly Member Duvall

February 23, 2007

An act to amend Section ~~143~~ 102 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1322, as amended, Duvall. Transportation facilities: ~~public-private partnerships~~: *eminent domain*.

Existing law ~~authorizes~~ *makes* the Department of Transportation and regional transportation agencies, as defined, until January 1, 2012, to enter into up to 4 comprehensive development lease agreements with public and private entities, or consortia of those entities, for certain transportation projects that may charge certain users of those projects tolls and user fees, subject to various terms and requirements. Under these provisions, all negotiated lease agreements must be submitted to the Legislature for approval or rejection, with approval to be achieved by enactment of a statute *responsible for the construction of state highways and authorizes it to do any act necessary for the construction, improvement, maintenance, or use of highways under its jurisdiction, possession, or control. Under existing law, the department is authorized to acquire by eminent domain any property necessary for state highway purposes.*

This bill would ~~make nonsubstantive changes to these provisions~~ *require the department to contract with a qualified private entity to appraise property it acquires by eminent domain for state highway purposes if the property owner has a reasonable basis to believe that*

the appraisal prepared by the department does not reflect the property's fair market value.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 102 of the Streets and Highways Code is*
2 *amended to read:*

3 102. (a) In the name of the people of the State of California,
4 the department may acquire by eminent domain any property
5 necessary for state highway purposes.

6 (b) *Notwithstanding any other provision of law, if the owner of*
7 *property that the department is acquiring by eminent domain for*
8 *state highway purposes has a reasonable basis to believe that the*
9 *amount of the appraisal prepared by the department does not*
10 *reflect the fair market value of the property, the department shall*
11 *contract with a qualified private entity to prepare another*
12 *appraisal of the property.*

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15 **All matter omitted in this version of the bill**
16 **appears in the bill as introduced in**
17 **Assembly, February 23, 2007 (JR11)**
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